

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 313

Introduced by Speaker Flood, 19; at the request of the Governor.

Read first time January 15, 2009

Committee: Appropriations

A BILL

1 FOR AN ACT relating to appropriations; to appropriate funds for
2 the payment of the salaries and benefits of certain state
3 officers for FY2009-10 and FY2010-11; to define terms; to
4 provide an operative date; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. APPROPRIATION LANGUAGE.

2 There are hereby appropriated, for FY2009-10 and
3 FY2010-11, the amounts specified in this act, or so much as may
4 be necessary, for the salaries and benefits of officers of the
5 Nebraska state government.

6 Sec. 2. DEFINITION OF APPROPRIATION PERIOD.

7 For purposes of this act, FY2009-10 means the period
8 beginning July 1, 2009, and ending June 30, 2010, and FY2010-11
9 means the period beginning July 1, 2010, and ending June 30, 2011.

10 Sec. 3. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

11 The definitions contained in the Nebraska Accounting
12 System Manual, and any amendments thereto, on file with the Clerk
13 of the Legislature are hereby adopted by the Legislature as the
14 definitions for this act, except as provided in section 21 of this
15 act.

16 Sec. 4. DRAWING AND PAYING WARRANTS.

17 The Director of Administrative Services shall draw
18 warrants upon the proper fund in the state treasury for an amount
19 not to exceed the appropriations set forth in this act upon
20 presentation of proper documentation. The State Treasurer shall pay
21 the warrants out of the appropriate funds.

22 Workers' compensation premium assessments shall not be
23 paid from the programs listed in this act.

24 Sec. 5. AGENCY NO. 5 - SUPREME COURT

25 Program No. 3 - Supreme Court Judges' Salaries

LB 313

LB 313

	FY2009-10	FY2010-11
1		
2 GENERAL FUND	1,109,875	1,120,418
3 PROGRAM TOTAL	1,109,875	1,120,418
4 SALARY LIMIT	951,170	951,170

	FY2009-10	FY2010-11
7		
8 GENERAL FUND	913,580	922,342
9 PROGRAM TOTAL	913,580	922,342
10 SALARY LIMIT	774,525	774,525

11 Sec. 6. AGENCY NO. 5 - SUPREME COURT

12 Program No. 4 - Court of Appeals Judges' Salaries

	FY2009-10	FY2010-11
13		
14 GENERAL FUND	25,000	25,000
15 PROGRAM TOTAL	25,000	25,000
16 SALARY LIMIT	25,000	25,000

17 The budget division of the Department of Administrative
18 Services is hereby authorized to administratively transfer General
19 Fund appropriations among Programs 3, 4, 5, 6, and 7 within Agency
20 5, upon written certification by the State Court Administrator
21 that excess appropriations are available and are necessary to pay
22 retired judges' salaries or are necessary to adjust for program
23 shortfalls in Agency 5, Programs 3, 4, 6, and 7. The Salary Limit
24 for Agency 5, Program 5, may be administratively increased for any
25 transfers made to Program 5 pursuant to this section.

LB 313

LB 313

1	Sec. 8. AGENCY NO. 5 - SUPREME COURT		
2	Program No. 6 - District and Juvenile Court Judges'		
3	Salaries		
4		FY2009-10	FY2010-11
5	GENERAL FUND	9,631,329	9,732,246
6	PROGRAM TOTAL	9,631,329	9,732,246
7	SALARY LIMIT	8,299,791	8,299,791
8	Sec. 9. AGENCY NO. 5 - SUPREME COURT		
9	Program No. 7 - County Court Judges' Salaries		
10		FY2009-10	FY2010-11
11	GENERAL FUND	8,281,330	8,370,747
12	PROGRAM TOTAL	8,281,330	8,370,747
13	SALARY LIMIT	7,092,994	7,092,994
14	Sec. 10. AGENCY NO. 7 - GOVERNOR		
15	Program No. 2 - Salary - Governor		
16		FY2009-10	FY2010-11
17	GENERAL FUND	140,440	142,199
18	PROGRAM TOTAL	140,440	142,199
19	SALARY LIMIT	105,000	105,000
20	Sec. 11. AGENCY NO. 8 - LIEUTENANT GOVERNOR		
21	Program No. 8 - Salary - Lieutenant Governor		
22		FY2009-10	FY2010-11
23	GENERAL FUND	106,383	108,312
24	PROGRAM TOTAL	106,383	108,312
25	SALARY LIMIT	75,000	75,000

LB 313

LB 313

1	Sec. 12. AGENCY NO. 9 - SECRETARY OF STATE		
2	Program No. 9 - Salary - Secretary of State		
3		FY2009-10	FY2010-11
4	GENERAL FUND	110,892	112,207
5	PROGRAM TOTAL	110,892	112,207
6	SALARY LIMIT	85,000	85,000
7	Sec. 13. AGENCY NO. 10 - AUDITOR OF PUBLIC ACCOUNTS		
8	Program No. 10 - Salary - Auditor of Public Accounts		
9		FY2009-10	FY2010-11
10	GENERAL FUND	115,668	117,427
11	PROGRAM TOTAL	115,668	117,427
12	SALARY LIMIT	85,000	85,000
13	Sec. 14. AGENCY NO. 11 - ATTORNEY GENERAL		
14	Program No. 11 - Attorney General's Salary		
15		FY2009-10	FY2010-11
16	GENERAL FUND	127,759	129,518
17	PROGRAM TOTAL	127,759	129,518
18	SALARY LIMIT	95,000	95,000
19	Sec. 15. AGENCY NO. 12 - STATE TREASURER		
20	Program No. 12 - Salary - State Treasurer		
21		FY2009-10	FY2010-11
22	GENERAL FUND	115,725	117,508
23	PROGRAM TOTAL	115,725	117,508
24	SALARY LIMIT	85,000	85,000
25	Sec. 16. AGENCY NO. 14 - PUBLIC SERVICE COMMISSION		

1 Program No. 14 - Salaries of Public Service Commissioners

2		FY2009-10	FY2010-11
3	GENERAL FUND	502,330	508,125
4	PROGRAM TOTAL	502,330	508,125
5	SALARY LIMIT	375,000	375,000

6 Sec. 17. AGENCY NO. 15 - BOARD OF PARDONS AND BOARD OF
7 PAROLE

8 Program No. 320 - Board of Parole Salaries

9		FY2009-10	FY2010-11
10	GENERAL FUND	480,292	494,300
11	PROGRAM TOTAL	480,292	494,300
12	SALARY LIMIT	360,390	369,437

13 Sec. 18. AGENCY NO. 16 - DEPARTMENT OF REVENUE

14 Program No. 13 - Tax Commissioner

15		FY2009-10	FY2010-11
16	GENERAL FUND	179,233	185,111
17	PROGRAM TOTAL	179,233	185,111
18	SALARY LIMIT	139,289	142,761

19 It is the intent of the Legislature that if the
20 appropriation or the salary limit is insufficient in this program
21 to meet anticipated expenditures, the Tax Commissioner shall
22 request additional funds or a higher salary limit, or both, from
23 the Legislature by the usual deficit process. The appropriation
24 or the salary limit shall not be administratively increased solely
25 by the Department of Administrative Services without legislative

1 authorization.

2 Sec. 19. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION

3 COURT

4 Program No. 526 - Judges' Salaries

	FY2009-10	FY2010-11
5 CASH FUND	1,044,721	1,054,328
6 PROGRAM TOTAL	1,044,721	1,054,328
7 SALARY LIMIT	879,834	879,834

9 Sec. 20. AGENCY NO. 37 - NEBRASKA WORKERS' COMPENSATION

10 COURT

11 Program No. 635 - Retired and Acting Judges' Salaries

	FY2009-10	FY2010-11
12 CASH FUND	55,267	55,267
13 PROGRAM TOTAL	55,267	55,267
14 SALARY LIMIT	51,339	51,339

16 Sec. 21. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

17 (1) As used in this act:

18 (a) SALARY LIMIT means total expenditures for permanent
19 and temporary salaries and per diems; and

20 (b) Total expenditures for permanent and temporary
21 salaries and per diems means all remuneration paid to employees
22 treated as taxable compensation by the Internal Revenue Service
23 or subject to social security coverage, specifically including
24 payments accounted for as vacation, holidays, sick leave, military
25 leave, funeral leave, maternity leave, administrative leave,

1 compensatory time, deferred compensation, or any other similar
2 form, and amounts withheld pursuant to law, but excluding state
3 contributions for social security, retirement, and employee
4 insurance plans.

5 (2) Total expenditures for permanent and temporary
6 salaries and per diems are limited to the amount provided by law
7 for constitutional officers.

8 (3) The limitation on expenditures for permanent and
9 temporary salaries and per diems for FY2009-10 shall be increased
10 by certified encumbrance amounts from FY2008-09 for permanent and
11 temporary salaries and per diems. The limitation on expenditures
12 for permanent and temporary salaries and per diems for FY2010-11
13 shall be increased by certified encumbrance amounts from FY2009-10
14 for permanent and temporary salaries and per diems. Encumbered
15 amounts shall be calculated in accordance with section 81-138.01.

16 Sec. 22. This act becomes operative on July 1, 2009.

17 Sec. 23. Since an emergency exists, this act takes effect
18 when passed and approved according to law.